

1 James A. McDevitt  
United States Attorney  
2 Eastern District of Washington  
Stephanie J. Lister  
3 Assistant United States Attorney  
Post Office Box 1494  
4 Spokane, WA 99210-1494  
Telephone: (509) 353-2767  
5

6 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
7

8 UNITED STATES OF AMERICA, )

CR-06-0044-WFN

9 Plaintiff, )

Notice of Review of  
Presentence Investigation  
Report

10 vs. )

11 Scotty D. Brown, )

12 Defendant. )  
13  
14

15 Plaintiff, United States of America, by and through James A. McDevitt,  
16 United States Attorney for the Eastern District of Washington, and Stephanie J.  
17 Lister, Assistant United States Attorney for the Eastern District of Washington,  
18 respectfully submits the following Notice of Review of Presentence Investigation  
19 Report prepared by United States Probation Officer, Gloria M. Petretee, on  
20 September 20, 2007.

21 The United States has reviewed the Presentence Investigation Report  
22 (hereinafter PSR) and has determined, based upon information that is presently  
23 available, that the PSR is factually complete and accurate.

24 The United States agrees that the adjusted offense level is 37 as outlined in  
25 the PSR. (PSR, ¶ 59). The is also the adjusted offense level calculated and agreed  
26 upon by the parties in the Plea Agreement. (Plea Agreement pgs. 6-7). If the  
27 Court grants a 3 level reduction for timely acceptance of responsibility the total  
28 adjusted offense level would be 34. (PSR, ¶ 62). The United States also agrees

1 that the Criminal History Category is II, based upon the fact that the Defendant has  
2 two criminal history points. (PSR, ¶ 69).

3 The United States also agrees that statutorily the period of imprisonment for  
4 transportation of child pornography must be at least five years but may not exceed  
5 twenty years. (PSR ¶ 99). The United States agrees that based on a total adjusted  
6 offense level of 33 and a criminal history category of II, the guideline range for  
7 imprisonment is 168 to 210 months. (PSR ¶ 100). Pursuant to the Plea  
8 Agreement, and Fed. R. Crim. P. 11(c)(1)(C), the Defendant and the United States  
9 agreed in the Plea Agreement that the Defendant be sentenced to 20 years, to be  
10 followed by a life term of supervised release. (Plea Agreement, pg. 8, ¶ 8). In  
11 exchange for Defendant's plea of guilty, and agreed sentence, the United States  
12 agreed in the Plea Agreement to dismiss Counts 1 and 2 (each count charged the  
13 Defendant with production of child pornography involving two distinct minor  
14 victims and each count of production carried a penalty of not less than 15 years  
15 nor more than 30 years), Count 4 (which charged possession of child  
16 pornography) and Count 5 (forfeiture, since Defendant agreed to abandon the  
17 property sought to be forfeited). (Plea Agreement, pg. 6, lines 1-6).

18 The United States will not present any information on the Defendant's  
19 ability to pay a fine. However, the United States and Defendant have agreed that  
20 Defendant will pay the \$100 special penalty assessment at or before sentencing.  
21 (Plea Agreement, pg. 10, ¶ 11).

22 The United States presently does not intend to call any witnesses at the  
23 sentencing hearing. The United States presently has no plans to introduce any  
24 exhibits at the sentencing hearing.

25 /

26 /

27 /

28 /

1 The United States wishes to reserve the right to respond to any statement of  
2 the Defendant in regards to the PSR.

3 DATED this 10th day of October, 2007.

4 James A. McDevitt  
United States Attorney

5 s\ Stephanie J. Lister

6 Stephanie J. Lister  
7 Assistant United States Attorney

8  
9 I hereby certify that on October 10, 2007, I electronically filed the foregoing  
10 with the Clerk of the Court using the CM/ECF System which will send  
11 notification of such filing to the following, and/or I hereby certify that I have  
12 mailed by United States Postal Service the document to the following non-  
13 CM/ECF participant(s):

14  
15 Bevan J. Maxey  
1835 West Broadway  
16 Spokane, WA 99201

17 Gloria M. Petretee  
18 U.S. Probation Officer  
920 West Riverside, Room 540  
19 Spokane, WA 99210

20 s\ Stephanie J. Lister

21 Stephanie J. Lister  
22 Assistant United States Attorney